



# Northern Region Briefing Paper



## *Nez Perce (Nee-Me-Poo) National Historic Trail Rights-of-Way Selection and Description*

*August 21, 2014*

**STATUS REPORT:** The Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) will be selecting the rights-of-way that define the Trails legal location.

**BACKGROUND:** The Forest Service's revised Comprehensive Plan will define the management and use of the 1170 mile Trail under the requirements established in the National Trails System Act (NTSA) (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009). The Trail includes associated auto tours, interpretive facilities, associated certified sites and high potential historic trail segments and sites encompassing a total of 4161 miles of trail, roads and routes. The Chief of the Forest Service is the authorizing officer for the Comprehensive Plan revision.

The NTSA, as amended in 2009, allows for acquiring land for the preservation and protection of the historic resources and trail tread locations associated with the 1877 War and Flight of the Nez Perce. There are specific provisions in the NTSA that guide how this work will be completed. At this time, sixty percent of the Congressionally designated Trail is in private landownership.

### **TALKING POINTS:**

- In order to acquire land for the Trail, the rights-of-way locating the Trail's legal description need to be selected, mapped and then legally defined.
- This process is described in NTSA Section 7. (a)(2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register; Provided, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.
- The Forest Service is requesting assistance from the State to start this rights-of-way process. This work will include working cooperatively with the State, local governments and landowners.
- Further direction in NTSA Section 7 states: (e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail.

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